## REMARKS

Claims 1-34 are pending. In the Office Action, the Examiner objected to: the declaration as being defective, drawing figure 4, informalities in the specification, and further rejected claims 1-34 under 35 U.S.C. §102(e) and §103(a) as being anticipated or made obvious by the prior art. By this communication, the Applicant submits: a supplemental declaration, revisions to drawing sheet figures two (2) and four (4), amendment to the specification, amendment to claims 1-6, 9-12, 14, 25, 27, 30, 31, 33, and 34, as well as additional claims 35-49. The appendix below includes a complete set of claims, and also marks the changes made to the specification and to the amended claims. Applicant respectfully requests reconsideration of the pending claims in view of the amendments and the remarks set forth below.

### Rejection Under 35 U.S.C. §102(e) and §103(a)

In paragraph 7, the Examiner rejected claims 1-3, 7, 8, 13-15, 19-22, 24-26, 30, 33, and 34 as being anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,167,383 to Henson (hereinafter *Henson*). Under 35 U.S.C. §103(a), the Examiner rejected claims 4-6, 9-11, 16-18, 27-29, 31 and 32 as being unpatentable over *Henson* in view of U.S. Pat. No. 6,141,653 to Conklin et al. (hereinafter *Conklin*), and further rejected claims 12 and 13 as being unpatentable over *Henson* in view of Teresko et al. (Teresko et al., Calico Technology: Concinity configuration/quotation system, Industry Week, Vol. 245, issue 23, December 16, 1996, p. 24-26 [PROQUEST]). Applicant respectfully traverses these rejections as applied to the amended claims.

With respect to claim 1, Applicant notes that this claim now recites, inter alia, "receiving into a configuration application of *the seller* a selected feature; communicating to *a manufacturer* the selected feature; receiving from the manufacturer *an automated response* including an availability date" (emphasis added). These limitations are discussed in the specification at several places, including page 11 line 7 through page 12 line 9. These limitations advantageously provide for a more optimal purchasing decision, and provide a buyer and seller the ability to optimize price and/or availability of individual product features in response to resources of the seller and/or manufacturer, or respective vendors.

Receiving into a configuration application of *the seller* a selected feature and communicating to *a manufacturer* the selected feature is neither disclosed nor suggested by *Henson*. *Henson* teaches a web-based online store that includes a configurator, cart, and checkout, driven by a database (*Henson* Abstract). The online store of *Henson* represents only a customer-seller sales process, and does not provide a mechanism for a customer to provide information to a manufacturer on the resource supply side of the sales process. The historical disconnect between a customer who is configuring a product and the manufacturer who will actually make the product is a gap to be closed by the instant invention, as discussed in the specification at page 2 lines 4-8.

Further with respect to claim 1, this claim now includes, "receiving from the manufacturer *an automated response* including an availability date" (emphasis added). This limitation is discussed at several places in the specification, including page 15 lines 11-19, page 18 lines 8-15, and page 20 lines 3-17. *Henson* neither discloses nor suggests receiving an automated response including an availability date in response to information sent to a manufacturer of the selected feature. *Henson* describes merely a customer-seller sales process, and does not provide for automated response of availability date from a manufacturer of component parts of the configured product.

Further, the seller of *Henson* must manually identify long lead time items provided from a manufacturer of component parts, with corresponding manual database entry within the online store of the seller to apprise customers of long lead time items. *Henson* teaches that "[o]ptions are manually identified as worthy of a long lead time warning via entry of a flag in...the store product database" such that "shoppers...receive a manually-maintained listing of all items currently marked as significantly extending system delivery" (col. 6, lines 61-67). *Henson* further discloses, "a flag is being set to indicate that the selection of a particular option will result in a lead time greater than a normal lead time..." (col. 15, lines 5-7). *Henson* does not disclose or suggest a mechanism whereby a seller apprises a customer, by an automated response from a manufacturer, of an availability date from the manufacturer of a selected feature.

In sum, independent claim 1 recites at least one limitation that is not taught or suggested by *Henson*, and claim 1 is not anticipated thereby. Dependent claims 2-13, which depend directly or indirectly from claim 1 and inherit all the limitations thereof,

are patentable over *Henson* for at least the reasons advanced above in connection with claim 1. Additionally, these claims add further limitations to claim 1. For example, claim 4 now recites, inter alia, "communicating a customer specified availability date to at least one of the seller and manufacturer." *Henson* does not disclose communicating a customer specified availability date, and does not anticipate this claim.

Independent claim 14 is patentable over *Henson* for substantially the same reasons advanced above in connection with claim 1. Specifically, claim 14 now recites, inter alia, "communicating the selected product feature to the supplier, and for communicating **over the Internet** an availability date of that product feature from the supplier to the configuration application" (emphasis added). *Henson* does not disclose or suggest communication over the Internet between the configuration application and supplier. On the contrary, the configurator of *Henson* is "within the commerce application" (col. 5 lines 10-11) and thus "linked to the database" (col. 5 line 12-13) within the online store. In *Henson*, "the database and the online commerce application that drives the database make up the online store" (col. 5, lines 47-49). *Henson* does not disclose or suggest the configuration application separated away from the supplier, and does not disclose or suggest communication between the supplier and the configuration application over the Internet.

In sum, independent claim 14 recites at least one limitation that is not taught or suggested by *Henson*, and claim 14 is not anticipated thereby. Dependent claims 15-26, which depend directly or indirectly from claim 14 and inherit all the limitations thereof, are patentable over *Henson* for at least the reasons advanced above in connection with claim 14.

With respect to independent claim 30, Applicant notes that this claim now recites, inter alia, "communicating a customer specified availability date to the manufacturer." As discussed above with respect to claim 4, *Henson* does not disclose or suggest communicating a customer specified availability date. On the contrary, the manually maintained long lead time flags in *Henson* provide merely a warning to the customer, in a take-it or leave-it manner. Claim 30 recites at least one limitation that is not taught or suggested by *Henson*, and is not anticipated thereby.

Similarly, with respect to independent claim 33, Applicant notes that this claim now recites, inter alia, "communicating a customer specified availability date to the manufacturer." As discussed with respect to claim 30, *Henson* does not disclose a mechanism by which a customer can supply alternative sales terms. Claim 33 recites at least one limitation that is not taught or suggested by *Henson*, and is not anticipated thereby.

Independent claim 34 is patentable over *Henson* for substantially the same reasons advanced above in connection with claim 14. Claim 34 now recites, inter alia, "communicating *over the Internet* an availability date of that product feature from the supplier to the configuration application means" (emphasis added). As noted above with respect to claim 14, *Henson* does not disclose or suggest communication over the Internet between the supplier and configuration application means. *Henson* does not disclose or suggest the supplier being separated away from the configuration application means, and does not disclose or suggest communication between the supplier and the configuration application means over the Internet. Claim 34 recites at least one limitation that is not taught or suggested by *Henson*, and is not anticipated or made obvious thereby.

## Rejection under 35 U.S.C. 103(a)

At paragraph 9-11 of the Office Action, the Examiner rejected claim 27 over *Henson* in view of *Conklin*, stating that, "it would have been obvious...to modify Henson with the teaching of Conklin et al. to include a multivariate negotiation engine for the purposes of negotiating all multiple variables to include price, terms, conditions, etc." The Examiner noted that *Henson* fails to teach iterative, multivariate negotiations over a network, but suggested that it would be obvious to modify the "method for providing customer configured machines at an Internet site" as taught by *Henson* with the "iterative negotiation engine" of *Conklin*.

Applicant notes that independent claim 27 now recites, inter alia, "receiving from the supplier *an automated response including an accommodation based on the customer specified availability date*" (emphasis added). This limitation is discussed at several places in the specification, including page 15 lines 11-19, page 18 lines 8-15, and page 20 lines 3-17. Applicant asserts that *Henson*, *Conklin*, and the combination of

*Henson* and *Conklin* do not suggest the invention of claim 27. Further, Applicant notes that even if one were to modify *Henson* with the teachings of *Conklin*, the combination would not amount to the instant invention of claim 27 because any negotiations would require manual rather than automated response to customer specified terms.

As discussed above, *Henson* teaches that "[o]ptions are manually identified as worthy of a long lead time warning" such that "shoppers…receive a manually-maintained listing of all items currently marked as significantly extending system delivery." Because *Henson* discloses only a manual mechanism for lead time warnings in the on-line store database, *Henson* does not disclose or suggest any mechanism by which a seller can respond in automated fashion with an accommodation based on a customer specified availability date.

*Conklin* describes manual negotiations between a seller and buyer through a website community, which negotiations occur only by passing documents between participants. The *Conklin* abstract states, "[d]ocuments are created by the system during the negotiation process." With respect to buyer and seller negotiations, *Conklin* states, "[t]he present invention alerts sellers (and buyers) that a pending offer or counteroffer has been submitted, so that they may return to the system to negotiate or resume negotiations. Finally, another seller process is order activity…which allows the seller to follow the activity *by e-mail or browser or similar means*" (col. 19, lines 31-37, emphasis added).

Therefore, both *Henson* and *Conklin* describe methods wherein a seller manually determines information to be communicated to a buyer, which information is then communicated to the buyer via an online system. Neither *Henson* or *Conklin* or the combination describes linking seller and buyer systems such that automated response occurs between buyer and seller systems. Thus, neither *Henson* or *Conklin* or the combination suggest, teach, or motivate the invention of claim 27.

Dependent claims 28 and 29, which depend directly from claim 27 and inherit all the limitations thereof, are patentable over *Henson* or *Conklin* or the combination thereof for at least the reasons advanced above with respect to claim 27.

Independent claim 31 is patentable over *Henson* or *Conklin* or the combination thereof for substantially the same reasons advanced above in connection with claim 27. Specifically, claim 31 now recites, "receiving from the supplier over the Internet *an*

*automated response including* an accommodation based on the customer specified availability date" (emphasis added). As with claim 27, neither *Henson* nor *Conklin* nor the combination suggest, teach, or motivate the invention of claim 31.

Dependent claim 32, which depends directly from claim 31 and inherits all the limitations thereof, is patentable over *Henson* or *Conklin* or the combination thereof for at least the reasons advanced above with respect to claim 31.
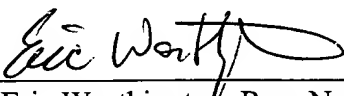
For the reasons advanced above, the Applicant submits that all of the claims now pending in the application are patentable over the prior art of record. The Applicant therefore requests withdrawal of the outstanding rejections and passage of the application to issue. If the Examiner believes a telephone conference would expedite prosecution of this application, the Applicant requests that the Examiner telephone the undersigned Applicants' representative at the number set forth below.

## CONCLUSION

Applicant respectfully submits that the rejections of all claims by the Examiner in the Office Action of April 15, 2003 have been traversed. In particular, the above remarks demonstrate that *Henson* does not anticipate all elements of the claimed invention. Neither *Henson* nor *Conklin*, either individually or in combination, teach all of the claim limitations in the claimed invention. Thus, upon consideration of the above remarks, Applicants submit that the application is in condition for allowance, and respectfully request the issuance of a Notice of Allowability.

Respectfully submitted,
Yuri Smirnov

Date: JULY 15, 2003          By: _Eric Worth_____

Eric Worthington, Reg. No. 50,910
Carr & Ferrell LLP
2225 East Bayshore Road, Suite 200
Palo Alto, CA 94303
Phone: (650) 812-3400
Fax:     (650) 812-3444

# APPENDIX

*In the Specification*

Second paragraph on page 10:

Configuration engine 210 receives the customer's input from UI 205, and is further coupled to inventory library 230 and to supplier system 220. Inventory **library** 230 provides configuration engine 210 with a library or catalog of selectable features that correspond to a particular configurable product. The inventory library 230 may also contain the constraints associated with each selectable feature. This library of selectable features can be presented to UI 205 via configuration engine 210. Thus, the customer 201 can have access to all the selectable features of the desired product.

Second paragraph on page 11:

In one embodiment, UI 205 (e.g., running as an application on a customer's 201 computer), configuration engine 210 and supplier system 220 are all remotely located with respect to each other. The coupling between such remote blocks is provided by a conventional on-line connection (e.g., an integrated services digital network line, a digital subscriber line, a T1 line, a cable line, or other known on-line connection[-]types. In an alternative embodiment, configuration engine 210 can be locally located with respect to UI 205, or with respect to supplier system 220. Likewise, UI 205 can be local to supplier system 220, and remote to configuration engine 210. The coupling between the local blocks can be provided by a conventional hardwire connection, or alternatively, by a conventional wireless connection. Inventory **library** 230 is typically local to configuration engine 210, and the coupling between the two is conventional. However, inventory library 230 may also be remote from configuration engine 210. Those skilled in the art will recognize various other configurations that may arise depending on the nature of the business involved and the relationship between the parties involved (e.g., consumer, retailer, wholesaler, manufacturer, distributor, or vendor to manufacturer).

*In the claims.*

1. (Once Amended) A method for configuring a product that is associated with a number of configurable features, wherein the method allows a customer to dynamically interact with a [supplier] **seller** of the product over the Internet during the configuration, the method comprising:

> **receiving into a configuration application of the seller a selected feature;**
> **communicating to a manufacturer the selected feature;**
> receiving from the [supplier]**manufacturer an automated response including** an
> > availability date that corresponds to [a] **the selected** feature [of the
> > product selected by the customer]; and
> updating an in-process bill of materials to reflect that selected feature.

2. (Once Amended) The method of claim 1, further comprising:
repeating the steps of receiving **into a configuration application a selected**
> > **feature, communicating to a manufacturer the selected feature,**
> > **receiving from the manufacturer an automated response including an**
> > **availability date,** and updating a number of times until the configuration
> > is complete thereby yielding a completed bill of materials.

3. (Once Amended) The method of claim 1, wherein the step of receiving from the [supplier] **manufacturer an automated response including** an availability date is preceded by the step of:
> communicating the selected feature to [the supplier] **a vendor**.

4. (Once Amended) The method of claim 1, the method further comprising:
in response to the received availability date being unsatisfactory to the customer,
> > communicating a customer specified availability date to [the supplier] **at**
> > **least one of the seller and manufacturer**.

5. (Once Amended) The method of claim 1, wherein the availability date received from [the supplier] **the manufacturer** is in response to a customer specified availability date communicated to [the supplier] **at least one of the seller and manufacturer**.

6. (Once Amended) The method of claim 1, wherein the availability date received from the [supplier] **manufacturer** is in response to a customer specified price communicated to [the supplier] **at least one of the seller and manufacturer**.

7. (Unaltered) The method of claim 1, further comprising:
deriving, from the in-process bill of materials, an in-process manufacturing bill of
materials that reflects the received availability date that corresponds to the
selected feature.

8. (Unaltered) The method of claim 1, the method further comprising:
receiving a price that corresponds to the selected feature.

9. (Once Amended) The method of claim 8, the method further comprising:
in response to the received price being unsatisfactory to the customer,
communicating a customer specified price to [the supplier] **at least one of
the seller and manufacturer**.

10. (Once Amended) The method of claim 8, wherein the price received [from the supplier] is in response to a customer specified availability date communicated to [the supplier] **at least one of the seller and manufacturer**.

11. (Once Amended) The method of claim 8, wherein the price received [from the supplier] is in response to a customer specified price communicated to [the supplier] **at least one of the seller and manufacturer**.

12. (Once Amended) The method of claim 8, wherein a relationship between the customer and the [supplier]**seller** has a configuration side associated with the customer, and a resource planning side associated with the [supplier]**seller**, and that configuration side-resource planning side relationship is respectively one of a consumer-seller relationship, a seller-manufacturer relationship and a manufacturer-vendor relationship.

13. (Unaltered) The method of claim 12, further comprising:

in response to the price of the selected feature being determined on the
    configuration side, deriving an in-process pricing bill of materials from the
    in-process bill of materials, wherein the in-process pricing bill of materials
    reflects the price of the selected feature; and

in response to the price of the selected feature being determined on the resource
    planning side, deriving the in-process pricing bill of materials from an in-
    process manufacturing bill of materials that is derived from the in-process
    bill of materials and reflects the received availability date of the selected
    feature.

14. (Once Amended) A system for configuring a product that is associated with a number of configurable features, wherein the system allows a customer to interact with a supplier of the product over the Internet during the configuration, the system comprising:

a configuration application for receiving a product feature selected by the
    customer, and for validating a number of constraints associated with that
    product feature;

a communication module coupled to the configuration application for
    communicating the selected product feature to the supplier, and for
    communicating **over the Internet** an availability date of that product
    feature from the supplier to the configuration application; and

a first storage area coupled to one of the configuration application and the
    communication module for storing an in-process bill of materials that
    reflects the product feature selected by the [user]**customer**.

15. (Unaltered) The system of claim 14, wherein after the customer has completed the configuration, the in-process bill of materials represents a completed bill of materials.

16. (Unaltered) The system of claim 14, wherein in response to the availability date being unsatisfactory to the customer, the communication module communicates a customer specified availability date to the supplier.

17. (Unaltered) The system of claim 14, wherein the availability date is in response to a customer specified availability date communicated to the supplier by the communication module.

18. (Unaltered) The system of claim 14, wherein the availability date is in response to a customer specified price communicated to the supplier by the communication module.

19. (Unaltered) The system of claim 14, wherein an in-process manufacturing bill of materials is derived from the in-process bill of materials, and reflects the availability date of the selected product feature.

20. (Unaltered) The system of claim 14, further comprising:
a second storage area coupled to one of the configuration application and the
      communication module for storing an in-process manufacturing bill of
      materials that reflects the availability date of the selected product feature;
      and
a third storage area coupled to one of the configuration application and the
      communication module for storing an in-process pricing bill of materials
      that reflects a price of the selected product feature.

21. (Unaltered) The system of claim 14, wherein the communication module is also for communicating a price of the selected product feature from the supplier to the configuration application.

22. (Unaltered) The system of claim 21, wherein the communication module comprises:

an availability date communication module for communicating the availability date of the selected product feature from the supplier to the configuration application; and

a price communication module for communicating the price of the selected product feature to the configuration application.

23. (Unaltered) The system of claim 14, wherein a relationship between the customer and the supplier has a configuration side associated with the customer, and a resource planning side associated with the supplier, and that configuration side-resource planning side relationship is respectively one of a consumer-seller relationship, a seller-manufacturer relationship and a manufacturer-vendor relationship.

24. (Unaltered) The system of claim 23, wherein:

in response to the price of the selected product feature being determined on the configuration side, an in-process pricing bill of materials is derived from the in-process bill of materials, wherein the in-process pricing bill of materials reflects the price of the selected feature; and

in response to the price of the selected product feature being determined on the resource planning side, the in-process pricing bill of materials is derived from an in-process manufacturing bill of materials that is derived from the in-process bill of materials and reflects the received availability date of the selected feature.

25. (Once Amended) The system of claim 14, further comprising:

a user interface coupled to the configuration application for allowing the [user]**customer** to interact with the system.

26. (Unaltered) The system of claim 14, further comprising:

an inventory library coupled to the configuration application for providing the

        customer a number of product features that can be selected to configure

        the product.


27. (Once Amended) A method for configuring a product that is associated with a

number of configurable features, wherein the method allows a customer to dynamically

interact with a supplier of the product over the Internet during the configuration, the

method comprising:

        communicating a customer selected product feature to the supplier;

        receiving from the supplier an availability date that corresponds to that selected

                product feature;

        in response to the availability date being unsatisfactory to the customer,

                communicating a customer specified availability date to the supplier; and

        receiving from the supplier **an automated response including** an

                accommodation based on the customer specified availability date.


28. (Unaltered) The method of claim 27, further comprising:

updating a bill of materials to reflect the accommodation received from the

        supplier.


29. (Unaltered) The method of claim 27, wherein the accommodation is one of an

availability date that satisfies the customer specified availability date, and a reduced

price.

30. (Once Amended) A process for configuring a product that is associated with a number of configurable features, wherein the customer dynamically interacts with a [supplier] **seller** of the product over the Internet in order to define a set of sales parameters that includes an availability date of at least one of the configurable features, the method comprising:

> responsive to the customer selecting a feature of the product, receiving from [the supplier] **a manufacturer an automated response including** an availability date that corresponds to that selected feature;
>
> **responsive to the received availability date being unsatisfactory to the customer, communicating a customer specified availability date to the manufacturer;**
>
> updating an in-process bill of materials to reflect that selected feature; and
>
> in response to the customer being satisfied with the sales parameters, submitting a completed bill of materials to the [supplier] **manufacturer**.

31. (Once Amended) A computer program product, stored on a computer readable medium, for configuring a product that is associated with a number of configurable features, wherein in response to the computer program product being executed by a processor, the processor performs the steps of:

> receiving from a supplier over the Internet an availability date that corresponds to a product feature selected by a customer;
>
> in response to the availability date being unsatisfactory to the customer, communicating over the Internet a customer specified availability date to the supplier; and
>
> receiving from the supplier over the Internet **an automated response including** an accommodation based on the customer specified availability date.

32. (Unaltered) The computer program product of claim 31, further comprising:
updating a bill of materials to reflect the accommodation received from the supplier.

33. (Once Amended) A computer program product, stored on a computer readable medium, for configuring a product that is associated with a number of configurable features, wherein in response to the computer program product being executed by a processor, the processor performs the steps of:

> responsive to a customer selecting a feature of the product, receiving from a [supplier] **manufacturer** over the Internet an **automated response including an** availability date that corresponds to that selected feature;
>
> **responsive to the received availability date being unsatisfactory to the customer, communicating a customer specified availability date to the manufacturer;**
>
> updating an in-process bill of materials to reflect that selected feature; and
>
> in response to the customer being satisfied with a set of sales parameters including the availability date of the selected feature, submitting a completed bill of materials to the [supplier]**manufacturer** over the Internet.

34. (Once Amended) A system for configuring a product that is associated with a number of configurable features, wherein the system allows a customer to interact with a supplier of the product over the Internet during the configuration, the system comprising:

> [a] configuration application means for receiving a product feature selected by the customer, and for validating a number of constraints associated with that product feature;
>
> [a] communication module means coupled to the configuration application means for communicating the selected product feature to the supplier, and for communicating **over the Internet** an availability date of that product feature from the supplier to the configuration application means; and
>
> [a first] storage area means coupled to one of the configuration application means and the communication module means for storing an in-process bill of materials that reflects the product feature selected by the user.

35. (New) The method of claim 1, wherein the availability date received from the manufacturer over the Internet is provided by a supply chain planning (SCP) system.

36. (New) The method of claim 1, wherein the availability date received from the manufacturer over the Internet is provided by an enterprise resource planning (ERP) system.

37. (New) The method of claim 30, wherein the step of communicating a customer specified availability date to the manufacturer is followed by receiving from the manufacturer an automated response including an accommodation in response to the customer specified availability date.

38. (New) A method for selling a configurable product incorporating at least one feature to be selected by a customer, the method for each selectable feature comprising:

    (a) receiving a feature selection;

    (b) updating an inventory library based upon the selection to reflect constraints imposed by the selection;

    (c) providing the selection to a supplier;

    (d) receiving information from the supplier comprising at least one of availability date and price for the selection;

    (e) where customer desires are not satisfied, providing at least one of a customer desired availability date and a customer desired price for the selection;

    (f) displaying accommodation data from the supplier corresponding to the customer desires; and

    (g) updating at least one of a manufacturing bill of materials, a pricing bill of materials, and a configuration bill of materials based on the selection.

39. (New) The method of claim 38, wherein the customer desires comprise at least one of a plurality of availability dates and a plurality of prices for the selected feature.

40. (New) The method of claim 38, wherein the step (d) of receiving information on the selection from the supplier further comprises receiving from the supplier a plurality of availability dates and a plurality of prices for the selected feature.

41. (New) The method of claim 38, wherein the pricing bill of materials is derived from the configuration bill of materials.

42. (New) The method of claim 38, wherein the pricing bill of materials is derived from the manufacturing bill of materials.

43. (New) The method of claim 38, wherein the step (g) of updating at least one of a manufacturing bill of materials, a pricing bill of materials, and a configuration bill of materials is based upon the accommodation data from the supplier.

44. (New) A system for selling a configurable product incorporating at least one feature to be selected by a customer, the system comprising:

an inventory library coupled to a configuration engine for providing a catalog of selectable features that correspond to a particular configurable product;

a user interface coupled to the configuration engine for displaying selectable features and for receiving customer desires;

a supplier system coupled to the configuration engine for providing at least one of availability information and price information to at least one of the user interface, the configuration engine, and the inventory library, and for providing accommodation data to the configuration engine in automated response to customer desires communicated to the supplier system; and

a configuration engine for validating the customer desires against constraints associated with the selectable features, for determining whether the at least one of availability information and price information meet customer desires, and for communicating specific customer desires to the supplier system.
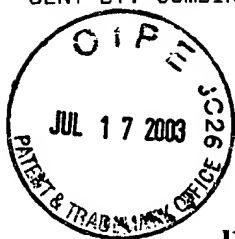
45. (New) The system of claim 44, wherein the user interface, configuration engine, and supplier system are remotely located with respect to each other.

46. (New) The system of claim 44, wherein the configuration engine further comprises:

    a configuration application,

    a price communication module,

    an availability communication module, and

    means for creating and updating at least one of a configuration bill of materials, a

        manufacturing bill of materials, and a pricing bill of materials.

47. (New) A method of selling from a supplier a product that consists of at least one selectable feature to be chosen by a customer, the method comprising:

    displaying to a customer a selectable feature and at least one of price and

        availability date of the selectable feature,

    conveying to a supplier at least one of a customer desired availability date

        and a customer desired price; and

    supplying an automated response including an accommodation from the supplier

        based on the at least one of a customer desired availability date and a

        customer desired price.

48. (New) The method of claim 47, wherein the customer is chosen from one of the set of retailer and wholesaler and manufacturer and distributor.

49. (New) The method of claim 47, wherein the supplier is chosen from one of the set of retailer and wholesaler and manufacturer and distributor and vendor.

*att: Colby Springer*

ATTORNEY'S DOCKET NUMBER: PA2377US

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

### "Extended Product Configuration Techniques"

the specification of which was filed **June 29, 2000** and allocated **Application Number 09/608,356.**

I hereby state I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f) or §365(b) of any foreign application for patent, inventor's or plant breeder's rights certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application:**

None

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application listed below.

## Provisional Application:

**None**

I hereby claim the benefit under Title 35, United States Code §120 of any United States application, or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

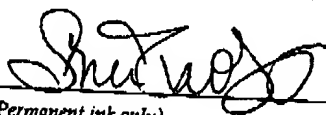## United States Application:

**None**

**POWER OF ATTORNEY:** I hereby appoint the attorneys and agents associated with the customer number 22830 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

## SEND ALL CORRESPONDENCE TO:

CARR & FERRELL *LLP*
2225 East Bayshore Road, Suite 200
Palo Alto, CA 94303
TEL: (650) 812-3400
FAX: (650) 812-3444

I hereby declare all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and, further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: _____ **Yuri Smirnov**_____ Citizenship: __USA__

Inventor's signature: _____ Dated: __7/08/2003__
(Permanent ink only)                                   (Date of Signature)

Mailing Address: 863 Colorado Ave., Palo Alto, CA 94303

Residence Address: _____

(Same as Mailing Address Unless Otherwise Specified)

## 37 CFR §1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patent-ably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability. A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.